

## **REMARKS**

Reconsideration of the subject application in view of the present amendment is respectfully requested.

By the present amendment, a substitute specification has been submitted. Figs. 3 and 6 have been replaced with new Figs. 3 and 6. Claims 2, 3, 33, 35 and 43-58 have been cancelled. Claims 59-61 have been added. Claims 1, 3, 4, 36 and 42 have been amended.

Based on the foregoing amendments and the following remarks, the application is deemed to be in condition for allowance, and action to that end is respectfully requested.

### **I. Objection to the Drawings**

The Examiner objected to the drawings for a double use of the same reference numeral and for using two reference characters for the same element.

As noted above, replacement Figs. 3 and 6, in which the deficiencies noted by the Examiner are eliminated, have been submitted. Approval of the replacement Figs. 3 and 6 (a letter to the Official Draftsperson being enclosed) is respectfully requested.

In view of the above, it is respectfully requested that the objections the drawings be withdrawn.

## **II. Objection to the Specification**

The Examiner objected to the specification for several informalities therein. As noted above, a substitute specification has been submitted. The substitute specification deletes language the Examiner found unclear and provides the definition for the term “molding point” and “edge-side molding point.”

The substitute specification is being submitted because of the difficulty to make numerous changes which were required. In accordance with MPEP §608(9), a marked-up copy of the original specification, which shows the changes made, is enclosed.

## **III. Rejection of Claims**

### **IIIa. Rejection Under 35 U.S.C. §112**

The Examiner rejected Claims 2 and 3 and 35, 37 under 35 U.S.C. §112, first paragraph, for allegedly not complying with the enabling requirement, and rejected Claims 1-3 and 31-42 under 35 U.S.C. §112, second paragraph, for allegedly being indefinite.

It is respectfully submitted that changes made by substitute specification and the amendment of Claim 1 overcome the Examiner's rejection of claims under 35 U.S.C. §112, and that Claims 1, 31, 32, 34, 36-42 and 59-61 meet all of the requirements of 35 U.S.C. §112.

### **IIIb. Rejection Over the Prior Art**

The Examiner rejected Claims 1 and 31-41 under 35 U.S.C. §102(e) as being anticipated by Turner, et al., U.S. Patent No. 6,340,589 (Turner). Claims 1, 3, 31-37, 40, and 41 were also rejected under 35 U.S.C. §102(b) as being anticipated by Atwood, et al., U.S. Patent No. 5,475,610 (Atwood). Claims 38-39 were also rejected under 35 U.S.C. §103(a) as being unpatentable over Atwood in view of Moulton, U.S. Patent No. 6,063,282 (Moulton), and/or Oldenburg, et al., U.S. Patent No. 6,027,695 (Oldenburg), and/or Ho, et al., U.S. Patent No. 6,040,171 (H0). Claims 41-42 were also rejected under 35 U.S.C. §103(a) as being unpatentable over Turner or Atwood in view of Kath, et al., U.S. Patent No. 5,516,491 (Kath), and/or Conant, et al., U.S. Patent No. 4,072,243 (Conant), and/or Saneii, U.S. Patent No. (Saneii), and/or Ruhland, U.S. Patent No. 4,564,359 (Ruhland).

It is respectfully submitted that Claims 1, 31, 32, 34, 36-42 and 59-61 are patentable over the cited references. Specifically, Claim 1 recites that the vessels (3) are positively connected to the plate (4) at least on one of the upper surfaces (7) and the underside (8) thereof by being molded to the holes (2') having a variable cross-section in an axial direction and/or by being molded to the marginal areas of the holes (2').

According to Claim 1, the vessels are positively connected to the frame, so that the vessels are not detached from the frame when a strong force acts against the vessel bottom. This is especially the case during use in the PCR when the microtiter plate is inserted into a thermocycler-block may impose strong forces on the vessels. These forces only results in elastic deformation of the microtitration plate because the strong positive connections between the vessels and the frame hinders the vessels from being detached from the frame.

The foregoing novel features of the present invention, as defined by Claim 1, is not disclosed or suggested in the prior art, including all of the prior art of record in this application.

Considering the prior art, in Turner, according to Fig. 5 and the specification, the upper circumferential rim of the vessels 14 is placed on the top

planar surface of the plate. The vessels are only hindered by material connection respectively adhesion from being alleviated and detached from the plate when the microtitration plat is inserted into a thermo-block for PCR.

The molding of vessels having a small wall thickness would be very delicate and could head to tolerances and waste.

Turner does not disclose or suggests positive connections between vessels and plate.

Atwood discloses, especially in Fig. 21, a multiple part microtiter plate with vessels 370 being movably held between retainer 386 and a frame 342. The horizontal and vertical freedom of the sample tubes enhance exact positioning of the microtitration plate in a thermocycler for PCR and enhance heat transfer. However, the multiple part arrangement is very expensive and is not easy to handle.

It is respectfully submitted that neither Turner nor Atwood anticipates or makes obvious the present invention, as defined by Claim 1.

The novel features of the present invention as defined by Claim 1 are also not suggested by the secondary references.

In view of the above, it is respectfully requested submitted that Claim 1 patentably defines over the prior art and is, therefore, allowable.

Claims 31, 32, 34 and 36-42 depend on Claim 1 and are likewise allowable.

It is respectfully submitted that Claims 59-61 are also allowable. According to Claim 59, the vessels have a collar of an increased thickness at an upper wall portion (12) connected to the plate (4). Thus, the vessels are connected to the holes of the plate at a circumference or a collar of an increased wall thickness (see Fig. 3, reference number 12). Because of the collar, it is possible to mold the frame first from a hard, shrinking material and the vessels from a substantial non-shrinking material after a time interval from the molding of the frame which substantially insures shrinking of the frame. Then, the tolerances of the holes in the frame are compensated by the collars having an increased wall thickness. The vessels of the resulting microtitration plate are consequently arranged on their position in an array with very low tolerances. Consequently, heat transfer from a thermoblock to the vessels during PCR is improved.

Neither Turner, nor Atwood, nor the secondary references discloses or suggests connection of the vessels at the circumference of the collar. Accordingly, it is respectfully submitted that Claim 59 is patentable over the prior art.

Claim 60 recites that the bottoms of the vessels each has at least one molding point (gate mark). As melt plastic enters the mold via the gate marks, it distributes very evenly in the mold so that the spread of the plastic in the mold is not impaired by the narrow cross-section of the mold for obtaining a small wall thickness of the vessels for improved heat transfer. Otherwise, the high pressure drop in the regions of the small wall thickness could lead to an uneven filling of the mold, resulting in high tolerances and waste.

No prior art, including Turner and Atwood, discloses or suggests vessels provided with a molding point in their bottoms.

It is respectfully submitted that Claim 60 is likewise allowable.

Claim 61 depends on Claim 60 and is also allowable.

### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects, in order to place in case in condition for final allowance, then it is respectfully requested

that such amendment or correction be carried out by Examiner's amendment and the case passed issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully Submitted



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## MICROTITRATION PLATE

### BACKGROUND OF THE INVENTION

001. The invention relates to a microtitration plate.

Microtitration plates are used for most varied microbiological, cell-breeding, and immunological techniques. In particular, microtitration plates are employed for the PCR (polymerase-chain-reaction) or the breeding of microorganisms or cells.

002. Microtitration plates have already been known which have a frame with a plate to which a multiplicity of vessels are fixed which have a receiving portion protruding from the underside of the plate and are accessible from the upper surface of the plate through apertures. The vessels are also referred to as "wells". The current 96-type microtitration plates have  $8 \times 12 = 96$  vessels in rows and columns. However, microtitration plates having a larger number of vessels are used more and more.

003. Single-component microtitration plates in polystyrene are unsuitable for the PCR, particularly because the softening temperature of this plastic (about 85 °C) is exceeded during the PCR.

004. Single-component microtitration plates in polypropylene generally are adapted to be used for the PCR. However, they are flexurally soft, tend to be distorted, are uneven and are manufactured only at large tolerances and undergo large tolerance variations when in use. Specifically, they are not particularly suited for being handled by automatic devices because their softness makes it difficult for automatic devices to grip them. Further, their low dimensional stability may have the consequence that the proportioning needles will contact the walls while being introduced into the vessels. Furthermore, heat transfer into the walls is poor because the thick walls of the vessels impede it, which is adverse to temperature regulation and the length of cycle times during the PCR.

005. It is particularly in breeding microorganisms or cells that the sample requires sufficient oxygen supply. In the 96-type microtitration plates, this can be ensured because of the relatively large apertures of the vessels. However, in microtitration plates having a larger number of vessels, e.g. 384, oxygen supply

may be impaired very much by the reduced cross-sections of the apertures. In addition, it would be desirable to ensure oxygen supply even if the apertures are closed in order to avoid transversal contaminations between the samples of various vessels.

006. Attempts to avoid transversal contaminations are also made in other applications of microtitration plates. To this end, there are sealing foils which are welded onto the upper surface of the microtitration plate and have to be released again if an access is required to the contents of the vessels. In addition, there are rubber mats which have cones at their underside in order to sealingly engage the apertures of the vessels when placed on the microtitration plate. Further, there are plastic strips which are designed with stoppers at their underside in order to be forced into the apertures of a row of vessels in the microtitration plate.

007. The known sealing methods are complicated in use and do not satisfy the increased requirements to tightness.

008. Therefore, it is the object of the invention to provide a microtitration plate having more favourable characteristics in use.

009. In addition, a technique for the manufacture of the microtitration plate will be provided.

### **SUMMARY OF THE INVENTION**

010. The object is achieved by providing a microtitration plate comprising:

011. a frame made of a stiff first plastic which has a plate with a multiplicity of holes, and

012. a multiplicity of vessels made of a second plastic suited for the PCR and/or exhibiting permeability to oxygen, which are fixedly connected to the plate by directly molding them to the holes, have a receiving portion protruding from the underside of the plate, and are accessible from the upper surface of the plate through apertures.

013. Because of its stiffness, the frame of the microtitration plate is particularly suited for being handled by automatic devices. Preferably, its edge is provided with a bordering protruding from the underside which increases its stability, may form a surface to stand on and a surface for engagement by the automatic device. For this purpose, the frame may be manufactured so as to

have particularly low distortion and particularly low tolerance. The first plastic may be an amorphous plastic or even a partially crystalline, heavily filled plastic. The plastic concerned may be polycarbonate which actually is unsuited for the PCR or oxygen supply. Since this plastic is confined to the frame, however, it allows to utilize its advantageous characteristics even for microtitration plates for the PCR or oxygen supply to samples.

014. The vessels are made of a plastic different from that of the frame. It is a second plastic which is suitable for the PCR and/or is permeable to oxygen. Suitability for the PCR may be given, in particular, by an increased resistance to temperatures (up to about 90 to 95 °C). It may further be given by a reduced plastic affinity or neutrality of the plastic to DNA or other substances of the PCR. It preferably is a soft and/or partially crystalline plastic. Preferably, the second plastic can be polypropylene.

015. Each vessel is molded directly to the hole associated therewith. Generally, the vessels can be positively, formlockingly connected to the plate and/or can be non-positively, frictionally connected with the plate, and/or be connected by molding the vessels in holes having varying cross-sections in an

axial direction and/or to the marginal area of the holes on at least one side of the plate, while connecting them thereto in a non-positive manner. With a vessel being molded in a hole, it becomes bonded to the plate by the material the vessel is made of.

016. Molding them thereto in a direct way makes possible very short flow paths of the material in molding, which allows to achieve particularly small wall thicknesses which preferably are in the range of about 0.05 to 0.25 mm and, in particular, may be about 0.1 mm. This favors heat transfer. For this purpose, the vessel bottom of each vessel is provided with a molding point, which is generally known as a gate mark and from which the material fills the first wall portion of a reduced wall thickness and an upper wall portion connected to the plate. It is preferred that the upper wall portion be designed as a collar of an increased wall thickness, which allows to manufacture the microtitration plate at particularly low tolerances.

017. Since the frame is manufactured from a first plastic and the vessels are manufactured from a second plastic the best solutions possible will be achieved with materials which correspond to the desired functions of the frame and

vessels. Higher rigidity, better planarity, a lower tendency to distortion, and smaller tolerances are achieved by using an amorphous, rigid, and highly temperature-resistant material for the frame. The extremely thinness of the walls for better heat transfer is achieved by molding the vessels thereto in a direct way. The frame is not filled via the vessels so that the entire pressure gradient always is available to one vessel only. The vessels may be molded in soft materials suited for the PCR. It is uncritical to mold the frame. It preferably may have several so-called edge-side molding points (about four to six), i.e., molding points provided on the frame edge.

018. In order to ensure an increased permeability to oxygen the second plastic preferably is a silicon. In particular, it may be LSR (Liquid Silicon Rubber).

019. According to the inventive manufacturing technique, the frame and vessels are produced in a multi-component molding technique. In the simplest case, it is a two component molding technique or “twin-shot” technique.

020. For manufacture at particularly low tolerances, it is preferred to mold the frame initially and the vessels subsequently. This has the advantage that the frame first may undergo a certain shrinkage before the vessels are molded

thereto. The time interval from molding the frame to molding the vessels thereto may be chosen so that the shrinkage of the frame (by cooling it down) essentially is effected completely. Once the vessels are molded on shrinking techniques virtually do not impair the dimensional stability of the microtitration plate any longer. It specifically is the tolerance of the vessel-to-vessel distance which, thus, can be confined to very low values (about  $\pm 0.15$  mm). This makes it easier to introduce proportioning needles with no wall contact.

021. It is particularly advantageous here if the upper wall region of the vessels is designed as a collar of an increased wall thickness because the collar may compensate hole position tolerances that have remained during molding.

022. The object further is achieved by providing a microtitration plate which comprises:

023. a rigid frame which includes a plate,

024. a multiplicity of vessels, which are fixedly connected to the plate, have a receiving portion protruding from the underside of the plate, and are accessible from the upper surface of the plate through apertures,



025. a rigid lid adapted to be releasably attached on the upper surface of the plate, and

026. at least one seal between the lid and the plate which is of an elastic material which deviates from the plastic of the plate and/or the lid and is fixedly connected to the lid and/or the plate in order to close the apertures when the lid is disposed on the plate.

027. In other words, according to the invention, the plate and/or the lid is designed with at least one seal of an elastic material deviating from the material of the plate and/or the lid. In particular, the material concerned may be a thermoplastic, elastomer, thermoplastic elastomer or rubber. The connection of the seal to the plate and/or the lid may be a non-positive and/or positive and/or by the material of the vessel when the vessel is bonded to the plate.

Thermoplastic elastomers, in particular, enable a non-positive connection with matching materials of the plate and lid. In particular, in a microtitration plate, the seal may be provided on a collar of the vessels. If the vessels are manufactured from an elastic material, there is a possibility of forming the seals integrally with the vessels here.

028. In this microtitration plate, the at least one integrated sealing, in conjunction with a rigid lid, makes possible rapid and simple sealing of the apertures which satisfies the high requirements to tightness. It is particularly advantageous for handling and sealing that the lid is designed so as to be adapted to be locked with the frame, specifically by locking it with the marginal area of the frame. Specifically if designed with a plane seal at its underside, the lid can also be used with known microtitration plates having thermoplastic sealing collars at the apertures of the vessels.

029. If the at least one seal is to be connected to the plate annular contours enclosing the apertures are preferred. If connected to the lid, the seals particularly may be annular, plug-shaped, mat-shaped or lip-shaped seals.

030. For the manufacture of this microtitration plate, it again is a multi-component molding technique which preferably is employed, particularly a two-component molding technique (a “twin-shot” technique) or a three-component molding technique (a “three-shot” technique. A three-component molding technique may be employed particularly if two

different plastics are used for the frame and vessels, and a third plastic is employed for the at least one seal.

031. It is preferred that the frame be molded initially and the at least one seal is molded to the frame subsequently and/or the lid is molded initially and the at least one seal is molded to the lid subsequently. If required, the frame is molded integrally with the vessels. However, the vessels may be molded in a second step and the at least one sealing in a third step.

### **BRIEF DESCRIPTION OF THE DRAWINGS**

032. The invention will now be explained in more detail with reference to the accompanying drawings of embodiments. In the drawings:

033. Fig. 1 shows a 96 type microtitration plate with a frame and vessels made of various plastics in a plan view;

034. Fig. 2 shows the same microtitration plate in an oblique perspective view from bottom;

035. Fig. 3 shows the same microtitration plate in a largely magnified vertical section-in-part through the plate of the frame and a vessel;
036. Fig. 4 shows a 96 type microtitration plate which is integrally made from a single plastic and has integrated annular sealings in an oblique perspective view from top;
037. Fig. 5 shows a microtitration plate modified by connection webs between the sealings as compared to the embodiment of Fig. 4 in an oblique partial perspective view from top;
038. Fig. 6 shows a microtitration plate having a lid with integrated plug-shaped sealings in a partial perspective view.

### **DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS**

039. In the drawings, the same elements are designated by identical reference numerals. The description pertaining thereto applies to all of embodiments

040. Referring to Figs. 1 through 3, a microtitration plate 1 comprises a frame 2 and a multiplicity of vessels 3. There is a total of 96 vessels 3 in 8 columns and 12 rows.

041. The frame 2 has a substantially rectangular plate 4 the outer edge of which is surrounded by a bordering 5 which protrudes approximately perpendicular from the underside of the plate 4, i.e. beyond the vessels 3. At bottom, the bordering 5 as is known has an expansion 6, enables stacking on the upper surface of an appropriate microtitration plate 1.

042. The frame 2 has a total of 96 holes 2' in the plate 4. These have a profile of cross-section which widens towards the upper surface of the plate 4 in two portions of different conicity and towards the underside 8 of the plate 4 in a conical portion.

043. In a first molding step, the frame 2 is integrally molded from a plastic which is relatively rigid when cured. Molding points are at the edge of frame 2, e.g. at the lower edge of the bordering 5.

044. At their base, vessels 3 have a cup-shaped bottom 9 which is bordered by a conical wall portion 10 of a very small wall thickness (abt. 0.1 mm). Above it, there is a wall portion 11 the wall thickness of which gradually increases towards the top. At its outside, it has the same conicity as the wall portion 10. At its inside, however, it is designed nearly cylindrically, which results in an approximately wedge-shaped profile of the cross-section.

045. Wall portion 11 terminates in a collar 12 which also is of a largely increased wall thickness with respect to wall portion 10. Vessels 3 are molded to plate 4 in the area of collar 12. To this end, a collar 12 externally bears against the inner periphery of holes 2'. It further has a projection 13, 14 each at the upper surface 7 and the underside 8 of plate 4, which makes a safe connection to plate 4.

046. In the area of collar 12, vessels 3 have a cross-section expanding towards the top in two portions of different conicity. Vessels are accessible from the upper surface of plate 4 through apertures 15.

047. All of the vessels are simultaneously molded directly to the frame 2 and the holes 2' thereof. Each vessel 3 has its own central molding point at the

underside of bottom 9. This helps achieve shorter molding paths which are made possible by the particularly small wall thickness in wall portion 10. The material used is polypropylen or LSR, for example, for the purpose of the PCR or oxygen supply to a sample inside the vessel.

048. Fig. 4 shows a microtitration plate 1' in which the frame 2' and the vessels 3' are integrally made of a single plastic in a known manner, which is a deviation from the aforementioned one. The outer shape of microtitration plate 1' substantially corresponds to that of the preceding example with the vessels 3', however, having a substantially uniform course of wall thickness and are fused to plate 4' with no projections. At the edge, plate 4' is connected, in a known manner, to bordering 5' which has the expansion 6' at the bottom.

049. Vessels 3' are accessible from the top through apertures 15' with an annular sealing 16 made of an elastic material being disposed around each aperture. In the example, it is a plastic which is capable of getting connected to the plastic of microtitration plate 1' by being bonded thereto.

050. Instead, a non-positive connection may be produced by placing seal 16 in an undercut groove in the upper surface of plate 4'.

051. Preferably, seals 16 are fixedly connected to microtitration plate 1' in a multicomponent molding technique.

052. Now, it is possible to sealingly close apertures 15' by placing thereon a lid (not shown) made of a rigid material. The lid may approximately have the dimensions of plate 4'. Preferably, it is locked in the marginal area of microtitration plate 1'. Such locking may be effected, for example, in the recesses 17 which the bordering 5' has directly beneath plate 4'.

053. The embodiment of Fig. 5 differs from the aforementioned one in that the adjoining annular seals 16 are connected to each other by straight-lined webs 18, 19 which extend in the row and column directions. This may be advantageous particularly for technical reasons of manufacture, but also for reasons of fixedly connecting the seals to the microtitration plate 1' or for providing additional sealing.

054. Referring to Fig. 6, a microtitration plate 1' is shown which is made of a single material only in correspondence to the one of Fig. 4. However, there are no annular seals 16 here. Plate 4' of microtitration plate 1' has seated thereon a lid 20. It has a plate 21 the contours of which substantially are the same as those



of the plate 4'. Plate 21 is supported on the upper surface of plate 4' in marginal areas 21'. It is spaced by a small gap from plate 4' in a region 21" between marginal areas 21'. This allows it to be placed onto conventional microtitration plates which have sealing collars at the upper surface of retaining plate 4'.

055. In region 21", plate 21 has plug-like seals 22 which protrude from its underside. These plug-like seals 22 have a circumferential sealing bulge 23 at their outer periphery.

056. Each aperture 15' of vessels 3' has associated thereto a seal 22. Here, seals 22 engage apertures 15' so as to sealingly cause their sealing bulges 23 to bear against the inner wall of vessels 3'.

057. Seals 22 are disposed in appropriate recesses of plate 21. They are connected to each other by short webs 24, 25 which extend in the row and column directions.

058. Borderings 26 protrude from the underside of the plate at the edge thereof, from which borderings catch projections 27 protrude inwardly which are adapted to be locked in the recesses 17 (see Fig. 4) of microtitration plate 1'.

Handles 28 project upwardly from borderings 26. Those make it easier for lid 20 to be locked. Furthermore, pivoting the handles 28 makes it possible to disconnect the locking engagement between catch projections 27 and recesses 17 because the borderings 26 will be pivoted along.

059. Preferably, lid 21 with seals 22 is also manufactured in a multi-component molding technique.